

Administrative Order



Administrative Order No.: 7-29

Title: Alcohol and Drug Screening for County Employees Based Upon Reasonable Suspicion

Ordered: 12/15/1987

Effective: 12/15/1987

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter; Section 2.42 of the Code of Metropolitan Dade County.

POLICY:

Metropolitan Dade County government recognizes that employee substance and alcohol abuse can have an adverse impact on Dade County government, the effective delivery of County Services, the image of County employees and the general health, welfare, and safety of employees and the public. The pervasive presence of alcohol and substance abuse in our society and the adverse effect on employee health, safety and productivity in the workplace requires the establishment of an effective, fair and lawful policy governing Metro-Dade County employees. The need for such a policy has been recognized by each of the County's collective bargaining units and incorporated into each of the County's collective bargaining agreements.

As part of the County's policy for dealing with alcohol and substance abuse, it is the policy of Metropolitan Dade County that employees are required to submit to alcohol and drug screening designed to detect the presence of controlled substances, narcotic drugs or alcohol whenever there exists a reasonable suspicion to believe that the employee is under the influence of such substances, suffers from alcohol or substance abuse, or is in violation of County or Departmental rules or regulations concerning the use of alcohol or drugs.

All alcohol and substance screening shall be conducted in accordance with the provisions of the Scientific and Administrative Protocol Manual for Metropolitan Dade County which is to be utilized in conjunction with this Administrative Order in order to ensure scientifically reliable testing standards, adherence to recognized quality controls, and necessary chain of custody procedure. The Protocol Manual will be reviewed and updated as required by the County.

APPLICABILITY OF THIS ORDER:

This order shall apply to all County employees, subject to the provisions of any applicable collective bargaining agreement. This order establishes the guidelines for drug and alcohol testing based upon reasonable suspicion of drug or alcohol use and does not apply to drug and alcohol testing on pre-employment, periodic and other physical examinations given by the County. Testing on pre-employment, periodic and other physical examinations shall continue to be subject to the provisions of Administrative Order # 7-27, Alcohol and Drug Screening for Pre-Employment and County Provided Physical Examinations.

The reasonable suspicion standard described in this order shall not affect a department's right to conduct random alcohol and drug screening pursuant to the terms of a conditional arrangement with employees who have previously tested positive for alcohol and/or drugs. However, the testing procedure described in this order and in the Scientific and Administrative Protocol Manual shall apply to such follow-up tests.

REASONABLE SUSPICION TESTING:

It is the policy of Metropolitan Dade County to conduct drug and alcohol screening upon reasonable suspicion to believe that an employee is under the influence of such substances, suffers from substance abuse or is in violation of County or departmental rules or regulations concerning the use of such substances.

The authority to require that employees submit to alcohol and drug screening shall be approved by a Division Director or higher authority within the employee's concerned department. The approving authority shall review the facts upon which the reasonable suspicion is based to ensure the appropriateness of requiring the employee to submit to the alcohol and drug screening.

A reasonable suspicion is a suspicion based on some factual foundation derived from the surrounding circumstances as interpreted in light of past experience and knowledge. Whether reasonable suspicion exists to warrant the testing of a particular employee must of necessity be determined on a case by case basis. The circumstances in which testing may be considered include but are not limited to the following:

- observed alcohol or drug use during work hours.
- apparent physical state of intoxication or drug induced impairment of motor functions.
- incoherent or irrational mental state.
- marked changes in personal behavior, or attitude not attributable to other factors.
- deteriorating work performance or attendance problems not attributable to other factors.

- information received from reliable sources that indicate the employee has been involved in alcohol or drug use.
- employee involvement in an accident during work hours in which a review of the circumstances of the accident or other relevant facts lead to a reasonable suspicion to believe that the employee may be under the influence of alcohol or drugs.
- other employee actions or conduct that leads to a suspicion to believe that the employee is under the influence of alcohol drugs, suffers from substance abuse or is in violation of County or departmental rules concerning the use of such substances.

TESTING PROCEDURE:

Once the decision, based upon a reasonable suspicion, has been made by the appropriate departmental authority to require an employee to submit to alcohol and drug screening, such screening shall be arranged as expeditiously as possible. The subject employee is to be clearly directed to submit to the alcohol and drug screening in the form of a direct order from a superior as a condition of employment, with the warning that refusal to so comply can result in appropriate disciplinary action.

The subject employee shall be further instructed to cooperate throughout the alcohol and drug screening procedure, including following all directions received from medical personnel at the alcohol and drug screening collection site. The subject employee, in no case, shall be permitted to continue working or remain unattended while screening approval or arrangements are being effected.

The concerned department shall immediately, if during normal weekday office hours (8:00 a.m. to 5:00 p.m., Monday through Friday), notify the Administrative Services Division of the County's Personnel Department to arrange for the appropriate alcohol and drug screening. If the necessity to arrange for employee alcohol and drug screening occurs outside these business hours, the arrangements are to be made by the concerned department by contacting the appropriate medical facility in accordance with the listing of available medical facilities and schedules furnished and maintained by the Administrative Services Division of the County Personnel Department.

The subject employee shall always be escorted to the alcohol and drug screening collection site by appropriate supervisory personnel, or other departmental authority. The subject employee shall never be permitted to operate a motor vehicle. The departmental representative shall remain with the subject employee at all times and shall take the necessary actions to prevent the employee's alteration, adulteration, or falsification of the alcohol and drug screening procedure.

The alcohol and drug screening procedure shall include actual observation of the employee's specimen collection by either the concerned departmental representative or appropriate collection site medical personnel to ensure the proper identification of

the subject employee's specimen. This observation shall be accomplished with appropriate adherence to gender preference and minimal intrusion of the employee's privacy.

ADMINISTRATIVE ACTIONS FOLLOWING TESTING:

Once the alcohol and drug screening collection process has been properly completed the concerned Department Director or their designee shall be contacted by the departmental representative escort. The Department Director or their designee shall decide if the subject employee is to be returned to the department in a limited duty capacity or relieved of duty pending the results of the alcohol and drug screening. The subject employee shall not be permitted to operate a motor vehicle or any equipment that could present a danger to the health, safety, or welfare of the public, co-workers or the employee.

Representatives of the County Personnel Department shall be responsible for notifying the concerned Department Director or their designee of the alcohol and drug screening results as soon as this information is available. The County Personnel Department shall also notify the appropriate Assistant County Manager of the screening results. Copies of the laboratory report reflecting the alcohol and drug screening results shall be transmitted to the aforementioned officials when the report is available. Confidentiality of the results of the alcohol and drug screening shall be maintained at all times.

The concerned Departmental Director or his designee shall take the appropriate administrative and disciplinary actions in accordance with the Dade County Personnel Rules and Administrative Order #7-3, Disciplinary Action; subsequent to a confirmed, positive alcohol and/or drug screening result. Consideration in arriving at a final administrative course of action shall include, but is not limited to, the public safety and sensitivity issues of the employee's County position. Administrative action may include referral to an employee assistance rehabilitation program and the imposition of other conditions deemed appropriate by the concerned Department.

Sergio Pereira
County Manager